

# House File 2167 - Introduced

HOUSE FILE 2167  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 512)

## A BILL FOR

1 An Act relating to the definition of autism spectrum disorder  
2 for purposes of certain health care coverage, making  
3 conforming changes, and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 225D.1, subsection 2, Code 2022, is  
2 amended to read as follows:

3 2. "*Autism*" means autism spectrum ~~disorders~~ disorder as  
4 defined in [section 514C.28](#).

5 Sec. 2. Section 321.189, subsection 10, Code 2022, is  
6 amended to read as follows:

7 10. *Autism spectrum disorder status*. A licensee who has an  
8 autism spectrum disorder, as defined in [section 514C.28](#), may  
9 request that the license be marked to reflect the licensee's  
10 autism spectrum disorder status on the face of the license  
11 when the licensee applies for the issuance or renewal of a  
12 license. The department may adopt rules pursuant to chapter  
13 17A establishing criteria under which a license may be marked,  
14 including requiring the licensee to submit medical proof of the  
15 licensee's autism spectrum disorder status. When a driver's  
16 license is so marked, the licensee's autism spectrum disorder  
17 status shall be noted in the electronic database used by  
18 the department and law enforcement to access registration,  
19 titling, and driver's license information. The department, in  
20 consultation with the mental health and disability services  
21 commission, shall develop educational media to raise awareness  
22 of a licensee's ability to request the license be marked to  
23 reflect the licensee's autism spectrum disorder status.

24 Sec. 3. Section 321.190, subsection 1, paragraph b,  
25 subparagraph (6), Code 2022, is amended to read as follows:

26 (6) An applicant for a nonoperator's identification card  
27 who has an autism spectrum disorder, as defined in section  
28 514C.28, may request that the card be marked to reflect  
29 the applicant's autism spectrum disorder status on the face  
30 of the card when the applicant applies for the issuance or  
31 renewal of a card. The department may adopt rules pursuant to  
32 chapter 17A establishing criteria under which a card may be  
33 marked, including requiring the applicant to submit medical  
34 proof of the applicant's autism spectrum disorder status.  
35 The department, in consultation with the mental health and

1 disability services commission, shall develop educational  
2 media to raise awareness of an applicant's ability to request  
3 the card be marked to reflect the applicant's autism spectrum  
4 disorder status.

5 Sec. 4. Section 514C.28, subsection 1, Code 2022, is amended  
6 to read as follows:

7 1. Notwithstanding the uniformity of treatment requirements  
8 of [section 514C.6](#), a group plan established pursuant to chapter  
9 509A for employees of the state providing for third-party  
10 payment or prepayment of health, medical, and surgical coverage  
11 benefits shall provide coverage benefits to covered individuals  
12 under twenty-one years of age for the diagnostic assessment of  
13 autism spectrum ~~disorders~~ disorder and for the treatment of  
14 autism spectrum ~~disorders~~ disorder.

15 Sec. 5. Section 514C.28, subsection 2, paragraphs b, c, d,  
16 j, and k, Code 2022, are amended to read as follows:

17 *b. "Autism service provider"* means a person, or group  
18 providing treatment of autism spectrum ~~disorders~~ disorder.  
19 An autism service provider that provides treatment of autism  
20 spectrum ~~disorders~~ disorder that includes applied behavioral  
21 analysis shall be certified as a behavior analyst by the  
22 behavior analyst certification board or shall be a health  
23 professional licensed under [chapter 147](#).

24 *c. "Autism spectrum ~~disorders~~ disorder"* means ~~any of the~~  
25 ~~pervasive developmental disorders including autistic disorder,~~  
26 ~~Asperger's disorder, and pervasive developmental disorders~~  
27 ~~not otherwise specified. The commissioner, by rule, shall~~  
28 ~~define "autism spectrum disorders" consistent with definitions~~  
29 ~~provided in the most recent edition of the American psychiatric~~  
30 ~~association's diagnostic and statistical manual of mental~~  
31 ~~disorders, as such definitions may be amended from time to~~  
32 ~~time. The commissioner may adopt the definitions provided in~~  
33 ~~such manual by reference~~ a mental health condition that meets  
34 the diagnostic criteria for such disorder as published in the  
35 most recent edition of the diagnostic and statistical manual

1 of mental disorders as published by the American psychiatric  
2 association.

3 *d. "Diagnostic assessment of autism spectrum disorders*  
4 *disorder"* means medically necessary assessment, evaluations,  
5 or tests performed by a licensed physician, licensed physician  
6 assistant, licensed psychologist, or licensed registered nurse  
7 practitioner to diagnose whether an individual has an autism  
8 spectrum disorder.

9 *j. "Treatment of autism spectrum disorders disorder"*  
10 means treatment that is identified in a treatment plan and  
11 includes medically necessary pharmacy care, psychiatric care,  
12 psychological care, rehabilitative care, and therapeutic care  
13 that is one of the following:

14 (1) Prescribed, ordered, or provided by a licensed  
15 physician, licensed physician assistant, licensed psychologist,  
16 licensed social worker, or licensed registered nurse  
17 practitioner.

18 (2) Provided by an autism service provider.

19 (3) Provided by a person, entity, or group that works under  
20 the direction of an autism service provider.

21 *k. "Treatment plan"* means a plan for the treatment of autism  
22 spectrum ~~disorders~~ disorder developed by a licensed physician  
23 or licensed psychologist pursuant to a comprehensive evaluation  
24 or reevaluation performed in consultation with the patient and  
25 the patient's representative.

26 Sec. 6. Section 514C.28, subsections 3, 7, and 10, Code  
27 2022, are amended to read as follows:

28 3. Coverage is required pursuant to [this section](#) in a  
29 maximum benefit amount of not more than thirty-six thousand  
30 dollars per year but shall not be subject to any limits on the  
31 number of visits to an autism service provider for treatment  
32 of autism spectrum ~~disorders~~ disorder. ~~Beginning in 2014, the~~  
33 The commissioner shall, on or before April 1 of each calendar  
34 year, publish an adjustment to the maximum benefit required  
35 equal to the percentage change in the United States department

1 of labor consumer price index for all urban consumers in the  
 2 preceding year, and the published adjusted maximum benefit  
 3 shall be applicable to group policies, contracts, or plans  
 4 subject to *this section* that are issued or renewed on or after  
 5 January 1 of the following calendar year. Payments made under  
 6 a group plan subject to *this section* on behalf of a covered  
 7 individual for treatment of a health condition unrelated to or  
 8 distinguishable from the individual's autism spectrum disorder  
 9 shall not be applied toward any maximum benefit established  
 10 under *this subsection*.

11 7. *This section* shall not be construed to require coverage  
 12 by a group plan of any service solely based on inclusion of the  
 13 service in an individualized education program. Consistent  
 14 with federal or state law and upon consent of the parent or  
 15 guardian of a covered individual, the treatment of autism  
 16 spectrum ~~disorders~~ disorder may be coordinated with any  
 17 services included in an individualized education program.  
 18 However, coverage for the treatment of autism spectrum  
 19 ~~disorders~~ disorder shall not be contingent upon coordination of  
 20 services with an individualized education program.

21 10. An insurer may review a treatment plan for treatment  
 22 of autism spectrum ~~disorders~~ disorder once every six months,  
 23 subject to its utilization review requirements, including  
 24 case management, concurrent review, and other managed care  
 25 provisions. A more or less frequent review may be agreed  
 26 upon by the insured and the licensed physician or licensed  
 27 psychologist developing the treatment plan.

28 Sec. 7. Section 514C.31, subsection 2, paragraphs b and d,  
 29 Code 2022, are amended to read as follows:

30 *b. "Autism spectrum disorder" means a ~~complex~~*  
 31 ~~neurodevelopmental medical disorder characterized by social~~  
 32 ~~impairment, communication difficulties, and restricted,~~  
 33 ~~repetitive, and stereotyped patterns of behavior~~ the same as  
 34 defined in section 514C.28, subsection 2.

35 *d. "Treatment plan" means a plan for the treatment of an*

1 autism spectrum disorder developed by a licensed physician  
2 or licensed psychologist after a comprehensive evaluation or  
3 reevaluation performed in a manner consistent with the most  
4 recent clinical report or recommendations of the American  
5 academy of pediatrics. *"Treatment plan"* includes supervisory  
6 services, subject to the provisions of subsection 5.

7 Sec. 8. APPLICABILITY.

8 1. The sections of this Act amending section 514C.28 apply  
9 to plans established pursuant to chapter 509A for employees of  
10 the state that are delivered, issued for delivery, continued,  
11 or renewed in this state on or after January 1, 2023.

12 2. The section of this Act amending section 514C.31  
13 applies to third-party provider payment contracts, policies,  
14 or plans specified in section 514C.31, subsection 1, paragraph  
15 "a", or to plans established pursuant to chapter 509A for  
16 public employees other than employees of the state, that are  
17 delivered, issued for delivery, continued, or renewed in this  
18 state on or after January 1, 2023.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill is related to the definition of autism spectrum  
23 disorder for purposes of certain health care coverage.

24 Under current law, "autism spectrum disorders" is defined as  
25 any of the pervasive developmental disorders including autistic  
26 disorder, Asperger's disorder, and pervasive developmental  
27 disorders not otherwise specified. The commissioner of  
28 insurance, by rule, is required to define "autism spectrum  
29 disorders" consistent with definitions provided in the most  
30 recent edition of the American psychiatric association's  
31 diagnostic and statistical manual of mental disorders, and may  
32 adopt the definitions provided in the manual by reference.  
33 Under the bill, "autism spectrum disorder" is defined as a  
34 mental health condition that meets the diagnostic criteria  
35 for such disorder as published in the most recent edition of

1 the diagnostic and statistical manual of mental disorders, as  
2 published by the American psychiatric association.

3     The sections of the bill that amend Code section 514C.28  
4 apply to plans established pursuant to Code chapter 509A for  
5 employees of the state that are delivered, issued for delivery,  
6 continued, or renewed in this state on or after January 1,  
7 2023. The section of the bill that amends Code section 514C.31  
8 applies to third-party provider payment contracts, policies,  
9 or plans specified in Code section 514C.31(1)(a), or to plans  
10 established pursuant to Code chapter 509A for public employees  
11 other than employees of the state, that are delivered, issued  
12 for delivery, continued, or renewed in this state on or after  
13 January 1, 2023.

14     The bill makes conforming changes to Code chapter 225D  
15 (autism support program), Code section 321.189 (driver's  
16 license — content), and Code section 321.190 (issuance of  
17 nonoperator's identification cards — fee).